



DECISIONS, NOTICES AND ORDERS

Friday, November 22, 2013

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

REHEARINGS

The Court took the following action on petitions for rehearing:

Jamal Redman v. South Branch Career and Technical Center, No. 13-0090 (Grant 11-C-63)
Refused (5-0)

Joseph E. Jackson and West Virginia Department of Transportation v. Wayne Belcher,
No. 12-0632 (Mingo 11-C-333)
Refused (3-2) (Chief Justice Benjamin and Justice Loughry)

Ricky Vincent Pendleton v. David Ballard, Warden, No. 12-0971 (Fayette 12-C-214)
Refused (5-0)

State of West Virginia v. Daniel C. Chapman, No. 13-0111 (Cabell 12-F-18)
Refused (5-0)

Christopher Cozad v. Marvin Plumley, Warden, No. 12-1416 (Monongalia 10-C-21)
Refused (5-0)

Carlotta Evans v. Richard Jones and Connie Chapman, No. 12-0921 (Nicholas 11-C-138)
Refused (5-0)

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

State of West Virginia v. Thomas A. Grantham Jr., No. 12-1293 (Berkeley 11-F-208)
Affirmed (5-0)

Gary Walkup v. Davis-Stuart, Inc., No. 13-0251 (Greenbrier 11-C-81)
Affirmed (5-0)

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Stephen Berkhouse, Conservator and Guardian of Billy Berkhouse v. Great American Assurance Company, No. 13-0264 (Kanawha 09-C-542)
Affirmed (4-1) (Justice Davis dissenting)

Randall Todd Chapman v. Verizon Communications, Inc.; Verizon West Virginia, Inc.; Todd Howard; and Larry Menninger, No. 13-0466 (Cabell 10-C-526)
Affirmed (5-0)

Kevin Seafler, et al. v. William Smith, et al., No. 13-0532 (Kanawha 12-C-1685)
Affirmed (4-1) (Justice Workman dissenting)

Curtis E. Pitcock, Karen Pitcock, Lilia Pitcock, and Edna Catherine Pitcock v. Thomas J. Parks, Loretta Parks, Timothy Buchanan, and Tammie Buchanan, No. 12-1504 (Hancock 02-C-248)
Affirmed (5-0)

Marc J. Slotnick v. Brent D. Sayre, No. 13-0404 (Jackson 12-C-40)
Affirmed (4-1) (Justice Workman dissenting)

John W. Parker v. Brent D. Sayre and Marc J. Slotnick, No. 13-0428 (Jackson 12-C-40)
Affirmed (4-1) (Justice Workman dissenting)

Ilene Kassab and Andrew Johnson v. Wilma Ellis, Henry E. Wood, III, and Carol Fouty, Magistrate, No. 13-0263 (Kanawha 12-C-142)
Affirmed (3-2) (Justices Davis and Ketchum dissenting)

Jana Studeny and Amy Smith v. Cabell Huntinton Hospital, No. 13-0363 (Cabell 09-C-820)
Affirmed (4-0) (Justice Ketchum disqualified)

Ryan Nenigar v. David Ballard, Warden, No. 13-0385 (Hampshire 06-C-07)
Affirmed (5-0)

M. Salim Ratnani v. Thoracic and Cardiovascular Associates, Inc., No. 12-1471 (Kanawha 07-C-1258)
Affirmed (5-0)

Glen and Pamela Addis v. Snowshoe Mountain, Inc., No. 12-1537 (Pocahontas 10-C-69)
Affirmed (5-0)

Raleigh County Board of Education v. Sandra Dee Moye, No. 12-1539 (Kanawha 11-AA-144)
Affirmed (4-0) (Justice Workman disqualified)

Timothy O'Dell v. David Ballard, Warden, No. 13-0220 (Berkeley 10-C-178)
Affirmed (3-2) (Justices Davis and Ketchum dissenting)

Aaron S. Fitzpatrick v. Cabell County Commission, et al., No. 13-0073 (Wayne 12-C-24)
Affirmed (4-1) (Justice Workman dissenting)

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D.J., next friend and on behalf of T.J. v. Mercer County Board of Education, Mercer County Schools, and Deborah Akers, Superintendent, No. 13-0237 (Mercer 12-C-512)
Affirmed (4-1) (Chief Justice Benjamin dissenting)

Trans-Allegheny Interstate Line Company v. Lyle and Brenda Daugherty, No. 13-0253 (Hardy 09-C-70)
Affirmed (5-0)

James Wesley Ivy, Jr. v. The City of Montgomery, No. 13-0265 (Kanawha 12-AA-119)
Affirmed (4-1) (Chief Justice Benjamin dissenting)

William D. Goodwin v. First National Bank, No. 13-0334 (Greenbrier 11-C-183)
Affirmed (5-0)

Deana Ritchey and Paul Gruber v. Mountain State Brewing Co., LLC, No. 13-0365 (Tucker 09-C-30)
Affirmed (5-0)

Jeff Corra v. Ginny Conley, No. 13-0430 (Wood 10-C-79)
Affirmed (5-0)

The City of Princeton v. Jeffrey Holcomb, No. 13-0468 (Mercer 12-C-544)
Affirmed (3-2) (Chief Justice Benjamin and Justice Davis dissenting)

Jarrell Gay Scott v. Hon. Mike Kelly, Judge; and Christy Dawn Cline, formerly Scott, No. 12-0823 (Kanawha 12-MISC-260)
Affirmed (4-1) (Justice Davis dissenting)

Deana W. v. Randy M., No. 12-1393 (Hardy 07-D-127 and 09-D-71)
Affirmed (4-1) (Justice Workman dissenting)

Cherie and Tony Lawyer v. Morgan County War Memorial Hospital, Anthony Dasilva, M.D., and Jeffrey Cook, M.D., No. 12-1449 (Morgan 09-C-50)
Affirmed (4-1) (Justice Workman dissenting)

State of West Virginia v. Laurence R. Smith III, No. 13-0209 (Fayette 11-F-54)
Affirmed (5-0)

Charles Redman, Administrator of the Estate of Ruth McCreath v. The Federal Group, Inc., No. 13-0377 (Jefferson 11-C-23)
Affirmed (3-2) (Justices Davis and Workman dissenting)

Virddie Allen, Charles and Eileen Agee, and Hilman and Erma Raynes v. Monsanto Company and Pharmacia Corporation, et al., No. 13-0418 (Putnam 04-C-465)
Affirmed (3-2) (Chief Justice Benjamin and Justice Workman dissenting)

State of West Virginia v. John H. Carroll, No. 12-F-27 (Braxton 12-F-27)
Affirmed (5-0)

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Perry B. Gains, Cathy Lynn Kovalck, Ronald Ashcraft, and P.G. Oil and Gas, LLC v. Cumberland Partnership, No. 13-0118 (Harrison 06-C-609)
Affirmed (5-0)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument
on the date stated:

SER AIG Domestic Claims, Inc. v. Hon. Larry V. Starcher, Judge, et al., No. 13-1048
(Original Prohibition)
February 12, 2014

John N. Kinney v. Samuel C. Liston, No. 13-0427 (Monongalia 11-C-102)
March 4, 2014, at West Virginia University College of Law in Morgantown, West Virginia

ORDERS

Orders of note were entered in the following cases:

SER Samuel R. v. Hon. Tod J. Kaufman, Judge; and Charity R., No. 13-1000
(Original Prohibition)
Petition refused (4-0) (Chief Justice Benjamin not participating)

State of West Virginia v. Jeffrey Allen Nolte, No. 13-0774 (Ohio 12-F-59)
Motion for post-conviction bail refused (5-0)

Kanawha County Board of Education v. Jill Kimble, No. 13-0810 (Kanawha 09-AA-205)
Motion to stay granted (4-0) (Justice Workman disqualified)